IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5958 of 2005

Between:

Kumar' Players Zone Video Games, rep.by its prop.S.V.Vishnu Kumar,

S/o.Sri Rama Chandra Murth
R/o.D.No.8-9-91, Nehru Nagar, 2nd Lane, Guntur.

..... PETITIONER

AND

1 The Superintendent of police, Guntur District, Guntur.
2 The Station House Officer, Kothapet Police Station, Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents not to interfere in the peaceful possession of the petitioner video games shop and not to prosecute for not possessing licence to run the said video games shop under A.P., Games Act and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.5958 of 2005

ORAL ORDER:

Heard both sides.

2. The petitioner-Kumar' Players Zone Video Games, a proprietor concern, seeks a direction to the respondent-police officers not to interfere with petitioner's Video Games shop situated at Nehru Nagar, 2nd lane, Guntur, and not to take any coercive steps against the petitioner that he is not required to take any licence under A.P. Gambling Act, and therefore any interference is illegal and arbitrary.

This Court dispose of the Writ Petition No.16596 of 2003 and other similar cases, with certain observations and giving certain directions. Following the order in Writ Petition No.16596 of 2003, the present writ petition is also disposed of, at the stage of admission, with the following observations and directions.

1. The petitioner who is running the games centre for playing video games is not required to take out any licence under the A.P. Gambling Act;

2. It is not suggested that the licence is required under the provisions of any other Act;

3. The respondent-police officers have no power to interfere with the running of centres for playing video games on the electronic equipment on the ground that the petitioner does not possess the licence; and

4. If it is felt that the petitioner has contravened any of the provisions of the A.P. Gambling Act, it is open for the authorities to take action to prosecute the petitioner.

D.S.R.VARMA, J

28th March 2005

lsn

ASSISTANT REGISRAR

To

1 The Superintendent of police, Guntur District, Guntur.
2 The Station House Officer, Kothapet Police Station, Guntur, Guntur District.

3 Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

4 Two CD copies

5 One CC to MR.SOMASEKHAR, learned counsel for the petitioner